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DEMURRAGE INFORMATION FOR FARMERS.

By G. C. WHITE, *Transportation Specialist.*

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INTRODUCTION.

The purpose of this paper is to present a digest of the demurrage laws and regulations that are in effect in each of the States on both intrastate and interstate traffic. As indicating how the agricultural industry is affected by existing regulations and practices in the matter of car supply and the marketing of farm products, the salient points of each code have been compared and contrasted, one State with another, and the State codes with the uniform code or national car-demurrage rules. For ready reference the principal provisions of the various codes have been tabulated and are included in an appendix.

DEFINITION AND HISTORY OF DEMURRAGE.

Demurrage is a term applied originally before the days of railroads to the money penalty collected for undue delay in discharging the cargo of ships. It is to-day applied also to the charge made by railroads against shippers for the detention of cars beyond a certain specified time, called free time. The collection of demurrage was first inaugurated in the United States about 1887. From its being applied first by a few roads at badly congested terminals it has come to be applied universally on all roads at all stations.

NOTE.—This bulletin, while intended especially for farmers and shippers of farm products, should be of interest to shippers of all commodities and to transportation men generally throughout the entire United States.

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THE FARMER'S INTEREST IN DEMURRAGE.

During the fiscal year ending June 30, 1912 (the latest for which statistics are available), products of agriculture amounted to 11.27 per cent of the total tonnage of all commodities handled by the railroads of the United States.

This percentage is exceeded only by products of mines, which were 49.09 per cent of the total tonnage, manufactures, 13.47 per cent, and products of forests, 17.11 per cent. Products of mines, products of forests, and 8 of the 13 commodities classed as manufactures will load heavier per car on the average than any of the 8 commodities classed as products of agriculture, with the possible exception of grain.

Regarded absolutely, the tonnage of agricultural products is great and the shippers of these products are interested in an adequate supply of cars. To move a given tonnage of agricultural products requires a greater number of cars than to move the same tonnage of the heavier loading commodities. Relatively, therefore, shippers of agricultural products are more interested than other shippers in the supply of cars. In addition, in agriculture there is a greater number of shippers for a given tonnage moved than in either the mining, manufacturing, or lumber industry, so that, measured by the number of people directly affected, the interest of agriculture in car supply is greater than that of other industries. The very nature of the business and the character of the product offer additional and peculiar reasons for agriculture being more vitally interested than any other industry in car supply and car efficiency, both of which depend directly on demurrage.

Unlike forest products, mineral products, or manufactures, agricultural products are seasonal. Harvest time brings the greatest demands on the roads for cars. Lumber and minerals may be stored in the open. Manufactures requiring protection from the weather are provided, for the most part, with ample storage facilities. Grain must move when harvested because of lack at points of production of storage facilities that will protect it against the risks of weather. Aside from the question of storage, most fruits and many vegetables must move as soon as harvested because of their perishable nature.

Lack of cars may mean to the farmer a total loss of his year's labor. To other classes it means inconvenience, delay in sales, and possibly a partial loss, but not a total loss. To the farmers of the country, then, the entire question should appeal strongly. They should be prepared to consider all phases of it. Their influence should be felt in securing regulations wisely planned and conducive to the best interests of commerce as a whole. Exacting from the railroads long periods of so-called "free time" for the loading and unloading of cars is a temporary expedient at best. In reality there is no such

thing as "free time." Every hour beyond that actually needed for loading and unloading cars is costly and usually the cost is borne ultimately by the man who clamors most loudly for more "free time."

REGULATION BY THE STATES.

As in the case of other practices of the railroads, the collection of demurrage came to be attended with so many discriminations in favor of the big shippers that one State after another took up the question. Forty-five of the 48 States—all except Delaware, Utah, and Wyoming—have a railroad commission or similar body exercising regulatory powers over the railroads.

In 12 of the States—Alabama, Arkansas, Colorado, Connecticut, Kansas, Minnesota, Missouri, Nebraska, New Jersey, North Dakota, South Dakota, and Vermont—demurrage is regulated by statute. The Connecticut statute merely provides four days free time for loading and unloading, but in actual practice the uniform demurrage code [1] is applied on State traffic. The Vermont statute makes the same provision as to free time, but in other particulars the uniform code applies. In some States—California, Texas, and Wisconsin, for example—demurrage regulation is partly by statute and partly by orders of the commission, or the statute empowers the commission at its discretion to modify the details of the statute. States of that kind are listed in the appendix as regulating demurrage by orders of the commission.

In 23 of the States—Arizona, California, Florida, Georgia, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Montana, New Hampshire, North Carolina, Ohio, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Virginia, Washington, and Wisconsin—demurrage is regulated by positive orders of the commission. In the following 10 of these States the commission has adopted the uniform code for intrastate traffic: Indiana, Iowa, Kentucky, Louisiana, Maryland, New Hampshire, North Carolina, Ohio, Tennessee, and Wisconsin.

In Nevada the roads apply the uniform code on State traffic, which the State commission has approved and recommended, but has not made compulsory. The commissions of Maine, Massachusetts, and Rhode Island, in so far as the regulation of intrastate demurrage is committed to them, have accepted the application of the uniform code by the roads. The commissions of Illinois and Pennsylvania are authorized by statute to prescribe demurrage rules and regulations within their respective States, but up to the present time they have taken no action. The essential features of the uniform code,

[1] The code adopted by the National Association of Railway Commissioners, indorsed by the American Railway Association, and approved by the Interstate Commerce Commission. See section entitled "Interstate Regulation" on page 4.

however, are applied in both States on State traffic. In Idaho, New Mexico, New York, and West Virginia the subject is covered neither by statute nor orders of the commission. However, the roads operating in these States pretty generally apply the uniform code, which, in practice, so far as the regulation of demurrage is intrusted to the respective commissions, amounts to State regulation by the adoption of the uniform code.

Neither Delaware, Utah, nor Wyoming has a railroad commission nor is there any statute relating to demurrage, but the roads operating in these three States apply the uniform code on State traffic.

It is seen then that in 24 of the States the uniform code is in actual operation on purely intrastate traffic. In the other 24, while the State regulations to a greater or less extent differ from those of the uniform code, many, if not most, of their essential features are the same as the corresponding provisions of the uniform code. Doubtless the commissions of some of the States that have not adopted the uniform code would do so if their statutes permitted. On the whole it would appear far preferable to have demurrage regulated by orders of a commission than by specific statute. Such an arrangement permits greater flexibility and makes it possible to adopt changes more readily as changing traffic conditions demand.

INTERSTATE REGULATION.

Demurrage on interstate shipments is subject to the jurisdiction of the Interstate Commerce Commission and all tariffs prescribing demurrage rates and regulations affecting such shipments must be filed with that body. While the Interstate Commerce Commission had authority to prescribe a code of demurrage rules and to require all of the roads to adopt them, the authority was never exercised. The question was discussed from year to year in the annual meetings of the National Association of Railway Commissioners and in 1908 a committee was appointed "to frame a uniform code of demurrage rules." This committee consisted of Mr. Lane of the Interstate Commerce Commission and one representative from the railway commission of each State. The actual work of drafting a code of rules was intrusted to a subcommittee of five. The subcommittee sought the assistance of practical demurrage men in the person of the managers of two of the leading demurrage bureaus of the country, and of Mr. Arthur Hale, chairman of the committee on car efficiency of the American Railway Association. After much study and public hearings the code adopted by the subcommittee was approved by the general committee and in turn adopted by the Association of National Railway Commissioners at its annual session in Washington, D. C., in November, 1909.

This code, known as the "National Car Demurrage Rules," or "Uniform Code," was approved by the Interstate Commerce Commission in December, 1909, and indorsed by the American Railway Association in January, 1910. Since that date changes in the code have been made by the adoption of amendments by the American Railway Association and their subsequent approval by the Interstate Commerce Commission. The association adopted a revised set of rules in May, 1912, which was approved by the commission in June of the same year. In November, 1912, and again in December, 1913, the association adopted modifications of individual rules and the commission shortly thereafter approved the changes. Additional changes are in progress at the present time through the same channels. None of the changes has been radical. The fundamental features of the code, as adopted in 1909, still remain.

The Interstate Commerce Commission's approval has always been based on its recognition of "the great benefits to be derived from uniformity in car-service rules" and its desire to lend its influence to the movement for such uniformity. Even with this general approval it is still necessary for the roads to publish the demurrage rules and regulations in tariff form and file them with the commission before they can become legally effective. Approval by the commission in this way does not preclude that body from entertaining and determining any complaint that may arise in the practical application of the rules.

PROVISIONS OF THE UNIFORM DEMURRAGE CODE.

Following is a brief summary of the provisions of the Uniform Code:

CARS SUBJECT TO RULES.

Rule 1 begins with the broad proposition that all "cars held for or by consignors or consignees for loading, unloading, forwarding directions, or for any other purpose" are subject to demurrage rules. Exception is made of cars loaded with live stock; of empty cars placed for loading coal at mines or mine sidings, or coke at coke ovens, and cars under load with coal at mines or mine sidings, or coke ovens; and of empty private cars in storage.

Cars loaded with live stock are excepted for the obvious reason that they are never held beyond the free time and their exception thus obviates the necessity of a great deal of unnecessary accounting. It is to be observed that cars ordered for the loading of live stock are subject to demurrage rules.

Cars for loading coal and coke and cars under load with these commodities awaiting billing are excepted, as it has been found that proper car distribution rules will take care of the difficulties formerly

experienced with this class of equipment. The question of its equitable distribution has been before the Interstate Commerce Commission many times until a code of rules has been evolved that does justice to all and avoids discrimination in periods of car shortage.

It would appear to be altogether unnecessary to make an exception of empty private cars in storage. The exception is rather an explanation of the status of private cars and is to be read in the light of the history of their development and the relations between private car owners and the railroads. Under the introductory clause of rule 1 private cars in storage would be excepted, since, under those circumstances, they are not "held for or by consignors or consignees." The rule and its explanatory notes go into details explaining that private cars are subject to demurrage rules while in railroad service whether on carrier's or private tracks. "Railroad service" is carefully defined both as regards private cars on private tracks switched by the carrier and on private tracks of an industry performing its own switching service. Quotation of the whole paragraph will make the matter entirely clear.

> Empty private cars are in railroad service from the time they are placed by the carrier for loading or tendered for loading on the orders of a shipper. Private cars under lading are in railroad service until the lading is removed and cars are reuglarly released. Cars which belong to an industry performing its own switching service are in railroad service from the time they are placed by the industry upon designated interchange tracks and thereby tendered to the carrier for movement. If such cars are subsequently returned empty, they are out of service when withdrawn by the industry from the interchange; if returned under load, railroad service is not at an end until the lading is duly removed.

The right of carriers to collect demurrage on loaded private cars standing on private tracks, where cars and tracks are of the same ownership, makes impossible any discrimination in demurrage practices. It was contested in the case of Procter & Gamble *v.* Cincinnati, Hamilton & Dayton Railroad and decided November 14, 1910, by the Interstate Commerce Commission in favor of the railroad company (19 I. C. C., 556). On appeal the view of the commission was later sustained by the United States Supreme Court (225 U. S., 282).

Attention should be called here to the fact that empty cars of railroad ownership may not be retained under the guise of storage on private tracks of industries performing their own switching service. Loaded cars of railroad ownership received by such an industry are subject to demurrage rules until returned by the industry to the interchange track.

FREE TIME ALLOWED.

Rule 2 allows 48 hours for loading and unloading all commodities. Twenty-four hours are allowed in holding cars for switching orders,

for reconsigning, for surrender of bill of lading or payment of freight charges when cars are for delivery to or forwarding by a connecting line, for inspection and grading in transit, for completion of load or for partial unloading in transit, and for customs entry and government inspection of shipments in bond. Cars containing freight for transshipment by water will be allowed such time as the individual tariffs of the roads interested permit.

COMPUTING TIME.

Rule 3 excludes Sundays and holidays in the computation of time and provides that the following Monday shall be excluded when a holiday falls on Sunday. Free time begins to run from the first 7 a. m. after empty cars are placed for loading, after notice of arrival of cars held for orders, after placement and notice of arrival of cars for unloading on public-delivery tracks, and after actual or constructive placement of cars for unloading on other than public-delivery tracks. On loaded cars for industrial plants performing their own switching service, time is computed from the first 7 a. m. after actual or constructive placement on the interchange track until their return thereto by the industry. The underlying idea is that time shall be computed from the first 7 a. m. after placement and notice.

NOTIFICATION.

Rule 4 provides that notice shall be given the consignee within 24 hours after the arrival of cars. Notice shall be in writing or as otherwise agreed upon between the carrier and consignee, and shall include such information as point of shpiment, car number and initials, contents, and, if shipment has been transferred en route, number and initials of the original car. Delivery of cars on private tracks or industrial interchange tracks constitutes notification to consignees taking delivery on such tracks.

PLACING CARS FOR UNLOADING.

Rule 5 defines "constructive placement" and its enforcement breaks up the discrimination formerly practiced in favor of industries doing their own switching and of those consignees who sought delay and more time by ordering cars to tracks that they knew were occupied. Cars for industries doing their own switching will be considered as delivered, and the free time will begin to run when they are tendered the industry and written notice served to that effect, even though the industry may refuse or fail or be unable to remove them from the interchange track. The former practice of free time beginning to run only after the industry has announced its readiness to receive the cars is abolished. When, from causes beyond the carrier's control, cars can not be placed on tracks designated by consignees they will be placed on the nearest available track and written notice served to that effect.

CARS FOR LOADING.

Rule 6 defines "constructive placement" of cars for loading, specifying that free time shall begin to run when cars are held on orders of the consignor and written notice served of all cars that can not actually be placed because of conditions attributable to the consignor. On all cars placed and not used demurrage will be assessed from the first 7 a. m. after placement, with no free time allowance.

DEMURRAGE CHARGE.

Rule 7 provides a charge of $1 per day or fraction thereof after the expiration of free time till cars are released.

CLAIMS.

Rule 8 makes provision for an extension of time when it is impossible to load or unload on account of weather conditions or when, from the nature of the freight, serious injury would result to it from loading or unloading under adverse weather conditions. Allowance is made also for the bunching of cars, that is delivering the consignor cars in accumulated numbers in excess of his daily orders or delivering the consignee loads in accumulated numbers in excess of daily shipments. Demurrage may not be collected when unloading is delayed due to consignee declining to pay freight charges in excess of the correct amount. In addition, delayed or improper notice by the carrier, railroad errors preventing proper tender or delivery, and delay due to United States customs authorities, operate to extend the period of free time.

AVERAGE AGREEMENT.

Rule 9 covers the "average agreement" and provides that the demurrage charge shall be computed on the basis of the average time of detention of cars during each month. The average time is determined by allowing one day's credit for each car released within the first 24 hours of free time (except in the case of completion of load or partial unloading in transit) and entering a debit of one day against each car detained 24 hours or fraction thereof beyond the free time. No single car can take advantage of more than five days' credit in cancellation of its debits and after a car has accrued five debits the charge of $1 will be made for each subsequent day of detention, including Sundays and holidays. At the end of the month a balance will be struck between the debits and the credits and $1 collected from the consignee for each debit in excess of the credits. Should credits exceed the debits no payment is made to the car user. The account of debits and credits is closed for each month and no excess of credits for any one month may be carried forward to the next month. Shippers taking advantage of the average agreement may not at the same time take advantage of the provisions of rule 8 making allowance for weather interference and for bunching.

APPLICATION OF THE RULES.

These regulations apply, of course, to all shippers alike. None was designed to favor any particular industry, as appears to be the case in some of the State codes. However, the exclusion of Sunday in rule 3 and the provision for weather allowance in rule 8 are possibly of greater advantage, on the whole, in rural communities than elsewhere.

The average agreement in rule 9 is of no advantage to the farmer for the reason that he is shipping more than he receives. Its abolition would decrease car detention and thereby benefit the farmer as well as other car users. It is under attack from many quarters on the ground that it enables industries to detain unduly inbound cars of raw material on credits accrued on outbound cars of finished product, which are loaded to fill orders and would be loaded just as promptly in the absence of an average agreement.

EXCEPTIONS TO THE UNIFORM CODE.

Such are the provisions of the code of National Car Demurrage Rules, which are applied on interstate business throughout practically the entire United States and on intrastate business in 24 of the States. Some few exceptions are made here and there, and attention is called to the fact that there is not absolute uniformity in every particular in all sections of the country. The principal exceptions are noted below. They are for the most part of a minor nature and not such as to destroy the generally uniform character of the rules.

The free time on shipments for transfer to water carriers will vary with different railroads, for different commodities, and at different ports. Some of the lines, members of the Chicago Demurrage Bureau and of the Missouri Valley Demurrage and Storage Bureau, make a track storage charge in addition to the demurrage charge. Members of the Intermountain Demurrage Bureau, operating in Utah, Nevada, and Idaho, except empties placed for loading live stock, allow 96 hours for unloading ore and concentrates, with no weather allowance, and collect $5 per day additional on certain high explosives. The Montana Demurrage Bureau allows 72 hours at Butte and East Helena for unloading interstate shipments of ore, concentrates, and eight other commodities. The Northern Demurrage Bureau, whose member lines operate in Minnesota, North Dakota, and South Dakota, makes special provisions for the inspection of grain and hay. The Pacific Car Demurrage Bureau, with 31 lines operating in California, Arizona, and New Mexico as members, exempt private cars on private tracks when the cars are used for the transportation of commodities which the owners of the cars produce or in which they deal, exempts empties for loading live stock, makes no allowance for weather conditions, allows 24 hours only for the unloading

of tank cars, and collects $3 per day on all traffic in Arizona and California and on tank cars in New Mexico. In some sections a maximum of seven credits is allowed under the average agreement and in others, in applying the average agreement, cars are divided into two classes, box (including refrigerator), and all other cars, and credits accruing on cars of one class may not be applied on cars of the other class.

The allowance of additional time for inspection and grading of grain and hay is necessary under conditions as they now exist, with different grades and standards effective in different cities and States. Grain is probably reconsigned more than any other one commodity and frequently must bear the burden of car delay in several markets. Instances are on record of its having moved through 15 different markets, in each of which it was subject to official inspection, before it was finally unloaded. This constitutes a serious burden on that commodity. Federal legislation fixing grades and standards for interstate shipments would undoubtedly render much of the present inspection and grading unnecessary. To that extent it would decrease the detention of cars now caused by frequent inspection and grading and thus relieve agriculture of one unnecessary burden.

The exemption from demurrage of cars ordered for loading live stock in the territory of the Intermountain Demurrage Bureau and that of the Pacific Car Demurrage Bureau offers an apparent advantage to the live-stock industry. A concession of this nature, however, is without doubt a disadvantage in the long run to the shippers themselves. It is true that this section furnishes few other commodities adapted to transportation in stock cars and that these cars are idle and in storage a great part of the time. It is likewise true that frequently cattle must be driven long distances from range to loading station and that it is sometimes difficult to determine accurately the day cars will be needed. However, it should be borne in mind that the movement of cattle is largely seasonal, that stock cars are none too plentiful and that when they are needed they are all in demand and everybody wants some of them. The imposition of an adequate demurrage charge would cause them to be ordered exactly when needed, to be used promptly, and released for other shippers.

A GENERAL SURVEY OF STATE CODES.

Even a casual examination of the statutes and orders of commissions regulating intrastate demurrage reveals the fact that many of them are loosely drawn and that some of them contain ambiguous and conflicting provisions. As a whole they are fair to the railroads. Most of them could have been improved as to clearness of expression had the assistance and cooperation of railroad men been sought in the

adoption of uniform technical terms. In some instances correspondence with a commission has developed the fact that the secretary at least did not have an adequate understanding of the subject of demurrage or of how the commission interpreted certain rules. Too many of them have promulgated regulations which, if not making directly for car inefficiency, at least do nothing to promote car efficiency. All of them serve as an index to the abuses from which shippers have suffered at the hands of carriers, as is evidenced from the incorporation in them of many provisions having little or nothing to do with demurrage.

Among such provisions are "reciprocal demurrage," storage regulations for less than carload shipments, limiting time of shipments in transit, methods of ordering cars, penalties for failure to receive cars promptly from a connecting line, giving preference in movement to shipments of live stock and perishable, making permissible a charge for the empty haul of a car ordered and not used, prescribing method of notice of arrival for shipper's order shipments, requiring carriers to notify consignor of refusal of shipment by consignee and making consignor liable for storage and demurrage charges after such refusal, providing that cars will not be placed or forwarded for shippers in arrears in payment of demurrage, requiring carriers to furnish grain doors, and other similar provisions.

The success of intrastate codes in promoting car efficiency will depend a great deal on the personnel of the individual State commission and on whether or not it can initiate complaints or can act only on complaints filed with it. The force of commendable provisions in State codes differing from the interstate code are entirely lost in dealing with cars containing, or ordered for, interstate shipments. Consequently the success of such provisions in increasing car efficiency will depend directly upon what proportion of the business in the State is purely intrastate. This will vary from a very high percentage in large States like California and Texas to a very low figure in small States like Delaware and Rhode Island. The proportions will depend to some extent upon the size of the State and its population, but to a greater extent upon what proportion of the State's products are marketed and consumed within the State.

There are no statistics available showing for the different States what proportion of the total tonnage handled by the roads of each State is purely intrastate business. Nor are there any figures available showing by States, what percentage of the total tonnage, either intrastate or interstate, consists of agricultural products. It may be of interest, however, to note that for the fiscal year ending June 30, 1912, agricultural products amounted to 5.65 per cent of the total tonnage handled by the roads in the East, 8.20 per cent of the total

handled in the South, and 14.90 per cent of the total handled in the West. These territorial divisions correspond roughly to the country east of the Mississippi and north of the Ohio and Potomac for the East, south of the Ohio and Potomac and east of the Mississippi for the South, and west of the Mississippi for the West. "Agricultural products," as used here, include grain, hay, tobacco, cotton, fruits and vegetables, live stock, and wool.

"RECIPROCAL DEMURRAGE."

As the business of the country increased and the supply of cars grew relatively less, it became imperatively necessary to take some steps to increase car efficiency. Old regulations were more strictly enforced and new regulations more stringent were put into effect. Shippers came to a realization of the fact that duties and responsibilities as between themselves and the railroads were mutual. They argued, "If we are penalized for delaying cars—that is, withholding them from other shippers who need them—the roads should be penalized for delay in furnishing cars—that is, withholding them from us who are shippers and need them. Let us therefore have 'reciprocal demurrage.'" The unparalleled car shortage of 1906 gave point to their arguments and the "reciprocal demurrage" laws of 1907 and subsequent laws and regulations are the result.

"Reciprocal demurrage," so called, is in effect on State traffic only, at the present time, in 21 States. It is provided for by statute in Alabama, Arkansas, Colorado, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. Orders of the State railroad commission govern in Arizona, California, Florida, Georgia, Mississippi, Oklahoma, Oregon, South Carolina, Texas, Virginia, and Washington. It is not demurrage at all within the general meaning of that term, but it is a penalty imposed upon the carriers for failure to perform certain duties or to furnish certain services within a specified time. From the penalty being imposed at first for failure to furnish cars the principle has been extended to cover delay in accepting shipments and issuing bills of lading therefor, as soon as they are tendered for forwarding, failure to move shipments at a prescribed minimum speed, failure to give notice of arrival within a specified time, failure to have shipments ready for delivery to consignees within a stated time, and delay in receiving shipments from or delivering them to connecting lines. Practically all the statutes and orders provide that the imposition of the penalties prescribed shall be no bar to the collection of actual damages sustained under the common law.

The two chief points of interest to shippers in the various "reciprocal" codes are the time allowed carriers to furnish cars and the penalty imposed for failure to furnish within the time prescribed.

TIME ALLOWED FOR FURNISHING CARS.

Alabama allows from 2 to 10 days, depending on the number of cars ordered. Arizona and California allow 48 hours and up, depending on the number of cars ordered, and prescribe that orders may not be placed longer than 15 days in advance. Arkansas allows 6 days. Colorado and Mississippi allow 5 days. Florida allows 2 days for fruit and vegetables, 4 days for other commodities. Georgia, Missouri, and Virginia allow 4 days. Kansas allows from 3 to 10 days, depending on the number of cars ordered. Minnesota allows 48 hours for terminal points and 72 for intermediate points. North Dakota allows 72 hours. Oklahoma allows from 48 to 144 hours, depending on the number of cars ordered, while Oregon allows from 5 to 20 days. South Carolina allows 3 days for perishable commodities and 4 days for other shipments. South Dakota allows from 3 to 6 days and Texas from 3 to 8 days, depending on the number of cars ordered. Washington allows from 3 to 10 days, depending on the number of cars ordered, the place where they are wanted, and whether or not the road has daily service at that point, and shorter time is given for live stock and perishable freight.

The States that have gone most into detail in demurrage laws and regulations are agricultural States. While the time allowed carriers for furnishing cars, as shown above, seems excessive in some instances, attention is called to the fact that Florida, South Carolina, and Washington have made specific provision for agriculture by prescribing the shortest possible time within which cars must be furnished to move perishable commodities.

PENALTY FOR FAILURE TO FURNISH CARS.

In the matter of penalty imposed for failure to furnish cars within the prescribed time it is uniformly $1 in all except eight of the States. In Texas it is 50 cents per day; in Florida, North Dakota, and Oregon it is $2; in Arizona and California it is $3; and in Arkansas and Kansas it is $5.

RESULTS OF "RECIPROCAL DEMURRAGE."

The Interstate Commerce Commission holds that it has no authority to penalize carriers through "reciprocal demurrage." The imposition of such penalties was stoutly resisted by the carriers, but there is now no question of the right to impose them and little question of the benefits accruing therefrom to shippers. While it may not be possible or advisable for carriers to provide sufficient equipment for the maximum tonnage offered at the busiest season of the year, "reciprocal demurrage" has doubtless had the effect of bringing about some increase in the supply of cars, and it has at least done

away, to some extent, with the discrimimation against the small shipper, in the furnishing of cars, as compared with the man controlling large tonnage. This has been of especial benefit to the farmer. In addition to enabling him to secure cars more promptly when needed, it has had a very powerful influence in awakening the conscience of the railroads to the needs of the farmer and in bringing the railroads to a fuller realization of the fact that their prosperity depends on the prosperity of their patrons.

It must be admitted, however, that "reciprocal demurrage" is open to the objection of making possible collusion between carriers and shippers whereby carriers may pay rebates, or purchase routing, through the medium of failure to furnish cars on fictitious orders. Similarly the payment of demurrage has been avoided by collusion whereby cars have been set out in transit and held at intermediate points till consignees were ready to receive them.

OTHER PROVISIONS OF THE STATE CODES.

THE DEMURRAGE RATE AND NORMAL FREE TIME.

The two most important features of any demurrage code are the time allowed for loading and unloading and the charge made for detention of cars beyond the free time. Under the uniform rules the free time is 48 hours and the charge $1. In the 24 States regulating intrastate demurrage either by statute or orders of the railroad commission the charge is $1 except in Oregon, California, and Arizona. In Oregon the charge is $2 and in California and Arizona it is $3. In Montana it is $2 after the first 5 days after the expiration of free time.

The normal free time for loading and unloading is 48 hours in all the States except four. Florida allows 72 hours, Nebraska 36 hours, New Jersey 3 days, and Vermont 4 days.

ADDITIONAL TIME FOR UNLOADING.

In the matter of unloading, Alabama and Arkansas allow 72 hours on 13 specified commodities. Florida allows 96 hours on 9 commodities. Georgia allows 60 hours on coal. Michigan allows from 3 to 15 days on various commodities. Seventy-two hours are allowed on 5 commodities in Minnesota, on 10 in Montana, on 19 in South Carolina, on 2 in Texas, and on 14 in Virginia.

The agricultural products allowed additional time for unloading in Alabama, Arkansas, and Virginia are fertilizers and hay and the following commodities in bulk: cottonseed, cottonseed hulls, grain and potatoes. Alabama includes cottonseed meal also. The farmer derives an immediate benefit from the additional time allowed on fertilizers, and cottonseed products. Additional time on the other commodities give him a direct advantage only as he occasionally

has to purchase them. An indirect and remote advantage accrues when he is selling on commission such of them as grain, hay, or potatoes. The agricultural products on which additional time is allowed in Florida are cabbage, cottonseed, cottonseed hulls, fertilizer material, potatoes, and seed cotton. Minnesota grants additional time on fruit and vegetables. South Carolina provides more liberally for agriculture by granting additional time on bran, cottonseed, cottonseed hulls, cottonseed meal, fertilizers, fertilizer material, grain, hay, meal, mill feed, bulk apples, and bulk potatoes.

Additional time is allowed in some States to consignees located a certain distance from the station. In Alabama from 4 to 6 days are allowed for distances of 3 miles or more. In Arkansas a maximum of 5 days is allowed for 5 miles and over. Mississippi allows 5 days for distances of from 3 to 10 miles and 7 days for distances over 10 miles. Oklahoma allows 72 hours for distances greater than 5 miles. South Carolina allows more time for distances greater than 4 miles. Texas allows 96 hours for distances greater than 5 miles.

As a matter of practical business there is little justification for allowing additional time on certain excepted commodities. So far as the labor of loading and unloading is concerned, a carload of any of the special commodities mentioned above can easily be loaded or unloaded in the 48 hours allowed on other commodities. A sliding scale of time varying with the quantity of the carload is more reasonable, but in both cases the real reason for shippers wanting more time usually has no connection with the actual time necessary to load or unload a car. Usually it springs from a desire to shift elsewhere an item of expense that should properly be borne by the shipper's business.

At first glance the regulations of those States that base the length of time on the distance from the station would seem to be the most logical. A close examination, however, reveals the fact that none of them applies the principle consistently in detail. Texas, for instance, allows 96 hours for distances greater than 5 miles. If 96 hours is a reasonable period of time to allow for loading or unloading a car when the shipper is located 6 miles from the station, it is certainly not reasonable for a shipper located at a distance of 16 miles or 20 miles.

Instead of asking for long periods of "free time" in which to load and unload their carload shipments, and then using all of it merely because it is "free," it would be a distinct economic gain and an advantage to all shippers if the farmers would insist on some of the present periods being shortened and would use every effort to reduce car detention to the actual time needed for loading or unloading a car. Cooperative associations could solve the problem for those who live long distances from the railroad by erecting warehouses at a

common shipping point. Shipments received could be unloaded into these warehouses immediately on arrival and cars released. Hauling from the station could be done at the farmer's leisure. Freight for forwarding could be concentrated in the warehouse and cars ordered, loaded, and forwarded without delay when the entire shipment was ready to move.

Colorado, Kansas, Mississippi, Missouri, and Texas allow 72 hours for unloading cars loaded in excess of 30 tons. Nebraska allows 60 hours for the same tonnage and Oklahoma makes it 72 hours for cars containing more than 66,000 pounds.

When a consignee receives in 1 day more than 3 cars of freight taking track delivery, Florida allows 96 hours free time on each car in excess of 3, Georgia 78 hours, and South Carolina 72 hours. This is merely a variation of the provision in the national code in regard to bunching in transit.

When notice is given by mail, Arkansas allows 48 hours additional free time. Alabama, Florida, Georgia, Minnesota, South Carolina, and South Dakota each allow 24 hours additional free time under the same circumstances.

SPECIAL FEATURES OF STATE CODES.

Other features of different State codes are worthy of note. Alabama, California, Mississippi, Oklahoma, Texas, and Virginia exempt private cars on private tracks, and thus make possible discrimination in favor of owners and users of private cars which the national code is very careful to forbid.

Alabama allows 24 hours additional free time on certain commodities and additional specified time where the consignee is located 3 miles or more from the station. The fact that the additional free time, plus 24 hours, is not given when the long distance consignee receives one of the special commodities would seem to argue that granting the consignee under 3 miles an additional 24 hours on one of these commodities was not well founded.

Arizona and California penalize a carrier for failure to move cars received from a connecting line within 24 hours, but do not penalize the originating carrier for failure to move a car within the same period after receiving it from the consignor.

The Arkansas statute contains a most commendable section forbidding railroad employees to solicit tips for placing cars and applying the same penalties to shippers who offer and give tips to employees for prompt switching service.

The Colorado statute is so drawn as to make the capacity of the car rather than the quantity of its contents the determining feature in allowing 72 hours for unloading.

The Florida code appears to fix a different penalty for each case without reference to the question of simplicity and uniformity and the fact that the sole end to be attained is greater car efficiency.

Georgia, in common with a number of other States, makes penalties accruing to shippers payable only on demand in writing within a certain time. Under a fair system of "reciprocal demurrage" they should be payable and paid as promptly and with as little formality as demurrage charges due carriers from shippers.

Montana exempts from the operation of the rules cars loaded or to be loaded with wool.

The New Jersey statute is probably the briefest of any, merely providing the customary penalty of $1 per day with 3 days of free time for unloading. Nothing is said as to detention of cars for loading and none of the other points usually in a demurrage code are mentioned.

The North Dakota statute provides that consignees may refuse shipments not delivered at destination within 60 hours after they are due to arrive, and in case of refusal carriers shall be liable for the value of the goods, plus actual damages. The same section contains another provision which could be used to provide for the payment of rebates by requiring the carrier to forfeit to the shipper 10 per cent of the charges due on a carload shipment for each 24 hours that the car is delayed in transit.

South Carolina provides that consignees 4 miles or more from the station shall have "sufficient time" by the exercise of "ordinary diligence" to unload cars.

The Texas statute provides a "reciprocal" penalty of $25 per day for failure of carriers to furnish cars and failure of shippers to load or unload in 48 hours, such penalties to be "cumulative of and additional to" the demurrage charges prescribed by the State commission. Among the various regulations of the commission is one providing that carriers shall place cars on unloading tracks designated by the consignee within 24 hours after arrival. For each 24 hours' delay beyond this time the shipper shall have 5 additional hours of free time. Penalizing the delay under the reciprocal provisions would more effectively promote car efficiency.

The regulations of the Virginia commission allow from 24 to 36 hours for the weighing of cars on track scales after arrival at destination when consignees request weighing. The acceptance on Saturday afternoon by a consignee of personal notice of arrival of a shipment is construed as notice given on Monday prior to 6 p. m., thus making free time begin 7 a. m. Tuesday. Personal notice prior to 6 p. m. any other day makes free time begin 7 a. m. the following morning.

DEMURRAGE BUREAUS.

Prior to the Hepburn law of 1906 amending the act to regulate commerce, when discriminations of every kind were the order of the day and railroads adopted various devices as aids to keeping their own agreements with one another and as a partial protection against the importunities of favored shippers, many demurrage bureaus were formed on somewhat the same theory as that on which the weighing and inspection bureaus came into existence. A demurrage manager was located at a central point and given jurisdiction over a certain territory. All lines within that territory were members of the bureau and the manager was the joint employee of all the lines. He promulgated the rules of the member lines, supervised their enforcement, and decided disputed points. The plan was not very effective in enforcing demurrage regulations as a whole, as the big shipper still had his private understanding with the higher officials.

Since 1906 the States have taken up demurrage regulation and promulgated specific rules, requiring their publication in tariffs and making the State railroad commission the final authority on disputed points. The Interstate Commerce Commission requires tariff publication of definite rules governing interstate shipments. It is the station agent's duty to collect demurrage charges with the same degree of promptness as he uses in collecting freight charges. Public sentiment demands the enforcement of demurrage regulations and the roads no longer desire to evade them. Consequently many lines have found it more economical to handle demurrage matters through already existing machinery and many of the demurrage bureaus have been dissolved. This was true of the Texas Car Service Association and of many of the bureaus in Central Freight Association territory.

Doubtless others may be abolished in the future, but at the present time 20 of them are still in existence. In the appendix will be found a list of them. All important lines in the territory of any bureau are members of that bureau. The duties of the managers are for the most part administrative under existing tariffs and State regulations. In the case of the Chicago, the Intermountain, the Pacific, and the Pacific Northwest the bureau manager publishes and files the demurrage tariffs as agent for the member lines. In the other 16 cases the member lines issue individual tariffs.

Closely related to the demurrage bureaus is the New England Demurrage Commission, with headquarters at Boston. It was established as one of the results of a general investigation in 1910 by the Interstate Commerce Commission of demurrage practices in New England. All the lines in New England are members of it and, while each line publishes and files its own demurrage tariffs, a demurrage commissioner has general oversight of demurrage matters. The com-

missioner was designated by the Interstate Commerce Commission and appointed by the railroads "to arbitrate all doubtful or disputed cases growing out of the application of the demurrage rules, which the shippers or the railroads desire to refer to him." As an impartial investigator to whom both sides may refer, his efforts are to secure from the railroads their best possible service and from shippers cooperation by the prompt release of cars in order that commerce may be facilitated and that efficiency of transportation may be increased.

The growing importance of demurrage is being generally recognized. The necessity for a more careful supervision of it and for a closer study of the subject is making itself apparent in many ways. An example is the recent appointment by the American Railway Association of a demurrage supervisor for the State of Texas.

RECOMMENDATIONS OF DEMURRAGE OFFICERS.

The fact that the managers of the demurrage bureaus are dealing exclusively with only one phase of the railroad question puts them in a position to know the details of that one phase very thoroughly. Their opinions individually and their recommendations collectively, as the American Association of Demurrage Officers, are deserving of careful consideration and have had great weight in influencing demurrage practices. Communications addressed to each of them have developed the fact that 13 of them favor the abolition of the average agreement. Fourteen of them favor an increase in the demurrage rate. One advocates a $3 rate on refrigerator cars, one the same rate on hay and straw, and four a $3 rate on all cars. One suggests that the charge be assessed for Sundays and holidays after the expiration of the free time.

The rate of $3 per day is suggested by the fact that that is the rate at present in effect on interstate shipments in Arizona and California. June 19, 1909, the California State rate was raised by statute from $1 to $6 per day. May 1, 1911, it was reduced to $3 by order of the State commission. Records of the Pacific Car Demurrage Bureau showed greatest car efficiency under the $6 rate and efficiency almost as great under the $3 rate. In January, 1912, the manager of this bureau filed with the Interstate Commerce Commission a tariff raising the interstate rate to $3. The commission, on its own motion, suspended the tariff. After hearings and much testimony, with little opposition from shippers, the case (I. & S. Docket Nos. 83 and 83A, 25 I. C. C. 314) was decided December 2, 1912, and the $3 rate allowed to stand. The chairman of the commission dissented, holding that a rate of $1 per day was sufficient, as a general rule, anywhere throughout the country. Another member held that the increased car efficiency on State traffic under a $3 rate was due not to the rate, but to the activity of the manager of the Pacific Car Demurrage Bureau.

The manager of the bureau, in a statement issued February 14, 1914, comparing results in California with results in the territory of the Intermountain Demurrage Bureau, where the same roads operate, distinctly disclaims this and insists that to the rate alone are due the results of greater car efficiency.

CONCLUSION.

If, in times of acute car shortage, the shipper who needs cars and is unable to get them could actually see all the other car users at all the other stations in his immediate section who are taking from two to seven days to load and unload cars, when it could and should be done in as many hours, no doubt there would be a speedy reformation among car users and a radical revision of some of the demurrage regulations now in effect. If his vision could be enlarged so as to take in the entire country the effect would be magical. Most, if not all, of the difficulties experienced in connection with car supply and car detention and the demurrage remedies proposed to alleviate the evils of car shortage have arisen from a lack of breadth of vision on the part of shippers, railroad officials, and legislators.

No car user has any moral right to detain a car one moment longer than is necessary to load or to unload it. Unfortunately the proportion of shippers who take this view of the situation, when they themselves are the detainers, is very small. Every shipper holds this view when it is some one else that is detaining the car. Car users who detain cars through carelessness, indifference, or ignorance of the meaning of "car shortage" and "congested terminals" are few. The people responsible for car detention are that vast body of highly intelligent business men who find it more profitable to use cars for storage purposes than to provide other storage facilities. Other reasons for car detention by this class of shippers are comparatively insignificant.

It is not good business to use for storage, space which costs 50 cents per cubic foot to construct, when better storage space can be had for one-third that cost or less, and especially when the higher priced space can earn so much more as a freight car than as mere storage. Storage space does not need costly trucks, steel underframes, automatic couplers, and air-brake equipment. Shippers must realize that, from one point of view, they and not the railroads are the owners of the cars of the country. So long as they insist on using them as storage warehouses they must be prepared to pay the cost without complaint. Moral suasion has so far failed to induce them to construct their own storage warehouses when they could get apparently cheaper storage in freight cars. The next step in remedying car shortage should be to limit more closely the free time allowed and

to impose a demurrage charge sufficiently high to make storage in cars clearly unprofitable.

These statements are made as applicable to every class of cars, but it is recognized that refrigerator cars present some exceptions to the general rule. The fact that the lading of these cars is so frequently under refrigeration and that so many consignees are not provided with refrigerated storage space of their own increases the tendency to hold shipments in cars until sale is effected. The cost of renting refrigerated storage space, the cost of hauling to and from such plants, and the deterioration due to the hauling and to changes in temperature during the hauling are to be considered as against the demurrage charge. With the purpose of increasing its perishable tonnage, if not of monopolizing the carriage of perishable to some market, there are instances of where a carrier has in the past offered unusually liberal concessions to dealers in the matter of track sales privileges and the detention of refrigerator cars. Such practices discouraged the providing for themselves of storage space by dealers and consignees at a time when it could have been more cheaply provided than at present. The withdrawal of former concessions and the imposition of more rigid restrictions now are protested with some show of justice by interested car users.

On the other hand refrigerator cars are not in demand the year round to the extent that other classes of cars are. The tendency is to limit more closely purchases of them, and the supply of refrigerator cars is possibly more inadequate than the supply of any other class of cars. The contention that the perishable nature of its contents fixes a very brief maximum period that a refrigerator car can be held at destination under load is as forcible an argument for releasing the car all the more quickly as for allowing the maximum possible time at the ordinary demurrage rate. While it is being held under load at one market destination perishable commodities are ripening at many originating points of production and spoiling for lack of a refrigerator car in which to transport them to other markets in need of them.

Refrigerator cars are now paying the nominal demurrage charge of $1 per day and, in some cases, additional charges for track storage. The proposal to impose higher and other charges, in addition to track storage and ordinary demurrage, as a penalty for the detention of refrigerator cars, is a move in the right direction. It will do more than anything else to solve the problem of shortage of refrigerator cars. It will also give an impetus to the erection by municipalities, railroad companies, and private capital of terminal markets with track connections and ample cold storage facilities. Cold storage for perishable commodities is necessary and the economy of providing it

as cold-storage space instead of in refrigerator cars would appear to require no argument.

Any discussion of a charge based on the value of a car is useless because of the impossibility of determining what the value is. The value of a car will vary with the kind of car, the commodity handled, the season of the year, the location of the business, and whether it is being considered from the standpoint of the interest of the owning road, the using road, or that of the owner of the lading. It is simply a question of whether it is cheaper for a shipper to use cars for storage than to provide storage elsewhere. It is a very simple matter to determine a rate that will make car storage unprofitable.

Every effort to increase the demurrage rate brings forth a loud protest from the misusers of cars on the ground that vested rights and long-established customs are being interfered with. No demurrage charge need be burdensome to shippers. As a rule, it is voluntarily assumed and can readily be avoided by prompt loading and unloading.

From one point of view the railroads are between the upper and nether millstone of the man who has the car and the man who wants it. Each abuses the road for the shortcomings of the other. In the last analysis of the case both are the same man, unable or unwilling to see that a car can not be a stationary warehouse and a movable vehicle at the same time.

The railroads would gladly forego all revenue from demurrage in return for prompt release of cars. In fact the charge is not intended as a revenue producer, but as a stimulant to speedy release of equipment. The excess of demurrage charges over the immediate cost of collection does not take into consideration the economic loss from car shortage and the economic waste involved in switching blockaded yards. This loss and waste it is impossible to calculate in terms of dollars and cents.

Under the totally inadequate demurrage charge prevailing throughout the greater part of the country there have grown up indefensible practices, altogether wrong in principle. This is especially true in the case of the coal brokers, grain dealers, commission men generally, and big manufacturing plants. In periods of acute car shortage and congested terminals there is an almost universal demand that carriers be compelled to increase their car supply, enlarge their terminal yards, and provide increased switching facilities, when it has never been shown that they are not already adequately equipped in these respects if cars were used for transportation solely and not used for storage warehouses. Increased expenditures for additional cars, more switch engines, and bigger yards mean increased interest charges which the commerce of the country must bear.

Farmers are not large receivers of carload shipments and many of the products which they forward are perishable and must on that

account be loaded promptly. To this extent then their responsibility for unnecessary car detention throughout the country is lessened. As has been shown, however, they suffer most from car shortages. Some of the State demurrage codes contain provisions apparently designed as special concessions in favor of the farmer. No doubt other industries would not very readily give up any special concessions in their favor on the strength of the farmer voluntarily giving up his. It would seem, however, the proper thing for farmers to insist on the elimination from all demurrage regulations of all special concessions in their favor. Then they could with greater force demand the abolition of concessions in favor of others. This would mean a minimum of car detention, more cars for all shippers, and greater prosperity for the farmer.

APPENDIX.

Below are two tables showing variations from the uniform code on interstate and intrastate traffic. The uniform code is taken as the normal and the only two features of it included are the free time allowed for loading and unloading and the demurrage rate. Time allowed for reconsigning, completion of load, and other purposes mentioned in rule 2 of the code are not taken into consideration here either under "normal time" or "additional time," nor are such features here considered in detailing the variations from the uniform code.

When no entries are shown in the various columns it is to be understood that the uniform code applies, or that the corresponding provisions of State codes are the same as those of the uniform code.

Table I contains a list of all the demurrage bureaus, together with the headquarters and a general description of the territory embraced in the jurisdiction of each one. This information is taken from the Official Railway Equipment Register. Some of the bureaus are confined to a particular State, as, for example, Montana, North Carolina, and Tennessee. However, no one bureau necessarily includes all the roads in any one State nor is any one State necessarily confined to one particular bureau. Tennessee has two bureaus within its borders, while Illinois has four. On the other hand a single road may be divided among several bureaus, the Santa Fe System, for example, having portions of its line under seven different bureaus. The Lake Superior Demurrage Bureau is confined practically to the two cities of Duluth and Superior. Some are shown as operating in a certain State when in reality they may include only a few stations on some particular road in that State. The Illinois and Iowa, as an example, has in Kentucky only the station of Paudcah on the Chicago, Burlington & Quincy Road.

Attention is called to the fact that the demurrage bureaus, on intrastate traffic within the various States, administer the provisions of the State codes. Consequently Table I shows variations from the uniform code on interstate traffic only.

Table II contains a list of all the States and shows which ones have railroad commissions. It shows also in which ones demurrage is regulated by statute and in which ones it is regulated by orders of the commission. As to "reciprocal demurrage" the three most important features are shown, namely: Time allowed carriers in which to furnish cars, the basis for extension of time where there is a sliding scale, and the penalty imposed for failure to furnish cars within the time allowed. Inasmuch as "reciprocal demurrage" applies on intrastate traffic only, all reciprocal features shown are necessarily variations from the uniform code.

TABLE I.—*List of demurrage bureaus, their headquarters and jurisdiction, and variations from the uniform code on interstate traffic.*

[Uniform code: Free time, 48 hours; demurrage rate, $1.]

Demurrage bureau.	Headquarters.	Number of roads.	Territory embraced in States of—	Additional time.	Demurrage rate.
Alabama	Birmingham	18	Alabama, Florida, Louisiana, and Mississippi.	.....	.....
Central	St. Louis	15	Illinois and Missouri	.....	.....
Chicago	Chicago	13	Illinois, Indiana, Michigan, and Ohio.	.....	.....
Colorado	Denver	14	Colorado, New Mexico, and Wyoming.	.....	.....
East Tennessee	Chattanooga	12	Georgia and Tennessee	.....	.....
Illinois and Iowa	Peoria	38	Illinois, Indiana, Iowa, Kentucky, Missouri, and Wisconsin.	.....	.....
Intermountain	Salt Lake City	17	Colorado, Idaho, Nevada, Utah, and Wyoming.	(1)	(2)
Lake Superior	Duluth	7	Minnesota and Wisconsin	(3)	.....
Louisville	Louisville	11	Indiana and Kentucky	.....	.....
Missouri Valley	Kansas City	23	Illinois, Kansas, Missouri, Nebraska, and Oklahoma.	.....	.....
Montana	Butte	8	Montana	(4)	.....
North Carolina	Raleigh	18	North Carolina	.....	.....
Northern	Minneapolis	14	Minnesota, North Dakota, South Dakota, and Wisconsin.	.....	.....
Pacific	San Francisco	31	Arizona, California, and New Mexico.	(5)	(6)
Pacific Northwest	Seattle	20	Idaho, Oregon, and Washington	.....	.....
Southeastern	Atlanta	52	Florida, Georgia, and South Carolina	.....	.....
Tennessee	Nashville	7	Tennessee	.....	.....
Virginia and West Virginia.	Richmond	19	Kentucky, Maryland, Ohio, Tennessee, Virginia, and West Virginia.	.....	.....
Western	Omaha	18	Iowa, Nebraska, South Dakota, and Wyoming.	.....	.....
Wisconsin	Milwaukee	18	Michigan and Wisconsin	.....	.....

[1] Allows 96 hours for unloading ore and concentrates.
[2] Charges $5 per day on certain high explosives.
[3] On flax and grain demurrage begins to accrue day following placing of cars.
[4] Allows 72 hours at Butte and East Helena for unloading shipments of coal, coke, concentrates, lagging, lime, lime rock, lumber, ore, and stulls.
[5] Allows only 24 hours for unloading tank cars.
[6] Charges $3 per day on all commodities in Arizona and California and on tank cars in New Mexico.

TABLE II.—*List of States, showing how demurrage is regulated in each, provisions as to reciprocal demurrage, and variations from the uniform code on intrastate traffic.*

[Uniform code: Free time, 48 hours; demurrage rate, $1.]

State.	Regulated by—	Note.	Demurrage rate.	Free time.	Additional time.	Reciprocal demurrage.		
						Time allowed for furnishing cars.	Varying with—	Penalty.
Alabama	Statute				72 hours allowed to unload brick, coal, coke, fertilizer, hay, lumber in closed cars, and the following commodities in bulk: Cotton seed, cottonseed hulls, cottonseed meal, grain, grain products, meat, and potatoes. 4 to 6 days allowed consignee 3 miles or more from depot. 24 hours additional time allowed when notice of arrival is given by mail.	2 to 10 days	(1)	$1.00
Arizona	Commission		$3.00			48 hours and up	(1)	3.00
Arkansas	Statute				72 hours allowed to unload brick, coal, coke, fertilizer, hay, lumber in closed cars, and the following commodities in bulk: Cotton seed, cottonseed hulls, grain, grain products, meat, potatoes, and sand. Maximum of 5 days allowed shippers 5 miles or more from depot. 48 hours additional time allowed when notice of arrival is given by mail.	6 days		5.00
California	Commission		3.00			48 hours and up	(1)	3.00
Colorado	Statute				72 hours allowed to unload cars loaded in excess of 30 tons	5 days		1.00
Connecticut	do	(2,3)						
Delaware		(2,4)						
Florida	Commission			72 hrs.	96 hours allowed to unload brick, coal, dressed lumber in box cars, seed cotton, and the following commodities in bulk: Cabbage, cotton seed, cottonseed hulls, fertilizer material, and potatoes. 24 hours additional time allowed when notice of arrival is given by mail.	4 days 2 days only for fruit and vegetables.		2.00
Georgia	do				60 hours allowed to unload coal. 24 hours additional time allowed when notice of arrival is given by mail.	4 days		1.00
Idaho		(2,5)						
Illinois	Commission	(6)						
Indiana	do	(7)						
Iowa	do	(7)						
Kansas	Statute				72 hours allowed to unload cars loaded in excess of 30 tons	3 to 10 days	(1)	5.00

[1] Number of cars ordered.
[2] Roads apply uniform code on State traffic.
[3] Statute provides 4 days' free time.
[4] State has no railroad commission, nor does any statute cover.
[5] No demurrage rules prescribed, either by statute or orders of the commission.
[6] Commission has not yet exercised its authority to prescribe regulations.
[7] Commission has adopted the uniform code.

TABLE II.—*List of States, showing how demurrage is regulated in each, provisions as to reciprocal demurrage, and variations from the uniform code on intrastate traffic*—Continued.

State.	Regulated by—	Note.	Demurrage rate.	Free time.	Additional time.	Reciprocal demurrage.		
						Time allowed for furnishing cars.	Varying with—	Penalty.
Kentucky	Commission	(1)						
Louisiana	do	(1)						
Maine	do	(2)						
Maryland	do	(1)						
Massachusetts	do	(2)						
Michigan	do				3 days allowed to unload charcoal, coal, coke, logs when teamed from cars, lumber, and tanbark; 4 days to unload coal for coke ovens, sash, doors, blinds, inside finishing material, box material, and mixed cars of dressed lumber or furniture loaded by various consignors; 5 days to unload lumber originating at lake ports and to load, weigh, and bill coal at mines; 15 days to unload coal for fueling transient vessels.			
Minnesota	Statute				72 hours allowed to unload bituminous coal, bulk lime, fruit, lumber, and vegetables. 24 hours additional time allowed when notice of arrival is given by mail.	72 hours. 48 hours only at terminal points.		$1.00
Mississippi	Commission				5 days allowed consignees more than 3 miles and less than 10 miles from station and 7 days for distances more than 10 miles. 72 hours allowed to unload cars loaded in excess of 30 tons.	5 days.		1.00
Missouri	Statute				72 hours allowed to unload cars loaded in excess of 30 tons	4 days		1.00
Montana	Commission		(3)		72 hours allowed to unload coal, coke, concentrates, lagging, lime, lime rock, lumber, ore, silica rock, and stulls.			
Nebraska	Statute			36 hrs.	60 hours allowed to unload cars loaded in excess of 30 tons	Reciprocal features of the statute do not cover the furnishing of cars.		
Nevada	Commission	(4,5)						
New Hampshire	do	(1)						
New Jersey	Statute			3 days				
New Mexico		(4,10)						
New York		(9,10)						
North Carolina	Commission	(1)						
North Dakota	Statute					72 hours		2.00
Ohio	Commission	(1)						
Oklahoma	do				72 hours allowed shippers located more than 5 miles from station. 72 hours allowed to unload cars containing more than 66,000 pounds.	48 to 144 hours 5 to 20 days	(7) (7)	1.00 2.00
Oregon	do		$2.00					
Pennsylvania	do	(8)						
Rhode Island	do	(2)						

South Carolina	do				72 hours allowed to unload bran, brick, coal, cotton seed, cottonseed hulls, cottonseed meal, crushed stone, dressed lumber in box cars, fertilizers, fertilizer material, flour, grain, hay, meal, mill feed, pyrites, and the following commodities in bulk: Apples, cabbage, and potatoes. Consignees 4 miles or more from depot allowed "sufficient time" "by the exercise of ordinary diligence". 24 hours additional time allowed when notice of arrival is given by mail.	4 days; 3 days only for perishable		1.00
South Dakota	Statute				24 hours additional time allowed when notice of arrival is given by mail.	3 to 6 days	(7)	1.00
Tennessee	Commission	(1)						
Texas	do				72 hours allowed to unload coal and coke. 96 hours allowed shippers located more than 5 miles from station. 72 hours allowed to unload cars loaded in excess of 30 tons.	3 to 8 days	(7)	.50
Utah		(4,6)						
Vermont	Statute			4 days				
Virginia	Commission				72 hours allowed to unload brick, coal, coke, fertilizers, hay, lumber in closed cars, straw, and the following commodities in bulk: Cotton seed, cottonseed hulls, glass bottles, grain, grain products, meat, and potatoes.	4 days		1.00
Washington	do					3 to 10 days. For live stock and perishable, cars must be furnished within a reasonable time.	(7,9)	1.00
West Virginia		(4,10)						
Wisconsin	Commission	(1,11)						(11)
Wyoming		(4,6)						

[1] Commission has adopted the uniform code.
[2] Without prescribing any regulations, commission has accepted roads' application of the uniform code.
[3] Charge is $2 per day after the first 5 days after the expiration of free time.
[4] Roads apply uniform code on State traffic.
[5] Uniform code approved and recommended, but not made compulsory by commission.
[6] State has no railroad commission, nor does any statute cover
[7] Number of cars ordered.
[8] Commission has not yet exercised its authority to prescribe regulations.
[9] Place wanted and frequency of train service.
[10] No demurrage rules prescribed, either by statute or orders of the commission.
[11] Reciprocal features provided by a statute which is practically nonoperative.

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